

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK, et al.,

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official
capacity as SECRETARY OF THE U.S.
DEPARTMENT OF HEALTH & HUMAN
SERVICES, et al.,

Defendants.

Civil Action No. 1:25-cv-00196

DECLARATION OF JOHN J. HOWARD

I, John J. Howard, declare as follows pursuant to 28 U.S.C. § 1746:

1. I am the Director of the National Institute for Occupational Safety and Health (NIOSH), which is the federal agency responsible for conducting research, providing services, and making recommendations for the prevention of work-related injury and illness. In this capacity, I oversee all of NIOSH's activities. I make this declaration based on personal knowledge and information provided to me in the course of my official duties.

2. On April 1, 2025, the U.S. Department of Health and Human Services (HHS) notified selected non-bargaining unit employees from NIOSH that, pursuant to a planned agency Reduction in Force (RIF), they would be separated from HHS at the close of business on June 2, 2025. Also on April 1, 2025, selected bargaining unit employees from NIOSH received an "intent to RIF" notice, and on May 2, 2025, HHS notified those bargaining unit employees that, pursuant to a planned agency RIF, they would be separated from HHS at the close of business on July 2, 2025.

3. Subsequently, HHS determined that the RIF notices for more than three hundred NIOSH employees should be revoked. These employees were provided notice from HHS on May 13, 2025, that they would not be affected by the upcoming RIF.

4. Employees subject to the RIF revocation are in the following NIOSH Offices, Divisions, and Branches:

- the Office of the Director and the Office of the Deputy Director for Management, including the Facilities Management Office and the Fiscal Resources Management Office;
- the Division of Compensation Analysis and Support;
- the Respiratory Health Division, including the Field Studies Branch and the Surveillance Branch;
- the Division of Safety Research, including the Analysis and Field Branch, Protective Technology Branch, and Surveillance and Field Investigations Branch;
- the Division of Field Studies and Engineering, including the Hazard Evaluations and Technical Assistance Branch; and
- the National Personal Protective Technology Laboratory, including the Conformity Verification and Standards Development Branch, the Research Branch, and Evaluation and Testing Branch.

5. Employees in the Respiratory Health Division, including the Field Studies Branch and the Surveillance Branch, will aid in restoring functionality to the Coal Miner Health Surveillance Program.

6. Employees in the Division of Safety Research, including the Analysis and Field Branch, Protective Technology Branch, and Surveillance and Field Investigations Branch; and the Division of Field Studies and Engineering, including the Hazard Evaluations and Technical Assistance Branch, will aid in restoring functionality to the Fire Fighter Fatality Investigation and Prevention Program, the National Firefighter Registry for Cancer, and the Health Hazard Evaluation Program.

7. Employees in the National Personal Protective Technology Laboratory, including the Conformity Verification and Standards Development Branch, the Research Branch, and Evaluation and Testing Branch, will aid in restoring functionality to the NIOSH certification program for respirators and personal protective equipment and will resume the processing of applications for new respiratory protective equipment.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on May 16, 2025

John J.
Howard -S

Digitally signed by
John J. Howard -S
Date: 2025.05.16
15:37:59 -04'00'

John J. Howard, MD, MPH, JD, LLM, MBA
Director, National Institute for Occupational Safety
and Health
U.S. Department of Health and Human Services